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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/517,370 | 12/10/2004 | Vincent Muniere | Q85119 | 3957 |

23373 7590 02/27/2007
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2100 PENNSYLVANIA AVENUE, N.W.
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WASHINGTON, DC 20037

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| EXAMINER |
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NGUYEN, SIMON

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2618

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 02/27/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/517,370

Applicant(s)

MUNIERE, VINCENT

Examiner

SIMON D. NGUYEN

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c).

The drawing of figure 1 is objected to because it fails to label or name components for one to facilitate understanding of the invention. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. For claims 9-11, it is suggested to combine into one claim as an apparatus to a method of claim 1.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Vedrine (6,898,194).

Regarding claim 1, Vedrine discloses a method of support a real time packet transmission (abstract), comprising: a radio access network (RNC) and a core network (SGSN) (fig.1), wherein the real time traffic supported in a packet mode in the core network for allocating dedicated channels (figs.1, column 7 lines 18-22, column 8 lines 25-29).

Regarding claims 9-11, these claims are rejected for the same reason as set forth in claim 1, as apparatus for implement the above method.

5. Claims 1, 5-7, 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Willars et al. (6,889,050).

Regarding claim 1, Willars discloses method and apparatus for a real time packet transmission (abstract) comprising: a radio access network (RAN) and a core network (figs.1-3), wherein the real time traffic supported in a packet mode in the core network for allocating dedicated channels (column 7 lines 57-60).

Regarding claim 5, Willar further discloses the packet is a multimedia packet (column 6 line 40).

Regarding claim 6, Willar further discloses a page response (column 6 lines 54, 60).

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Regarding claim 7, Willar further discloses the RNC via a base station allocating the dedicated channels (column 6 lines 64-65, column 7 lines 49-56).

Regarding claims 9-11, Willar discloses apparatus for implement the method above in the RAN, the core network, and the mobile unit (figs.1-9).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-4, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Willars et al. (6,889,050) in view of Forssell et al. (6,683,860).

Regarding claims 2-4, Willars fails to teach a packet flow context.

Forssell discloses a real time packet transmission in which a dedicated channel allocation is performed on creating a packet flow context by a RAN, wherein the packet flow context contains QoS to be offered by the RAN and negotiated with the core network (column 6 lines 61-62, column 1 line 46, column 4 line 22, column 7 lines 1-13, column 2 lines 50-54). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have Willars, modified by Forssell in order to improve the packet transmission.

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Regarding claim 8, Willars further discloses each mobile unit having its own identifier in order for the base station to identify (column 6 lines 43-49. however, Willars fails to teach a packet flow context.

Forssell discloses a real time packet transmission in which a dedicated channel allocation is performed on creating a packet flow context, wherein the packet flow context contains QoS (column 6 lines 61-62, column 1 line 46, column 4 line 22, column 7 lines 1-13, column 2 lines 50-54). It should be noted that the allocation resources for reallocating dedicated channels from a first mobile station to other mobile stations is well known to those skilled in the art. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have Willars, modified by Forssell in order to improve the packet transmission.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (571) 272-7894. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (571) 272-7899.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks

600 Dulany, Alexandria, VA 22314

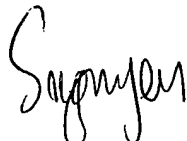
Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Hand-delivered response should be brought to Customer Service Window
located at the Randolph Building, 401 Dulany, Alexandria, VA, 22314.

Simon Nguyen

February 7, 2007

A handwritten signature in cursive script, appearing to read 'S. Nguyen'.

**SIMON NGUYEN
PRIMARY EXAMINER**